

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	)	
	)	BANKRUPTCY NO. 17-22940-CMB
BITTINGER, ROBERT N.	)	
BITTINGER, MELISSA A.	)	
	)	<b>CHAPTER 7</b>
DEBTOR(S)	)	
*****	)	
ROBERT H. SLOWE, TRUSTEE	)	<b>DOCUMENT NO.</b>
	)	
MOVANT(S)	)	
	)	
vs.	)	Hearing Date: 10/24/2017 @ 1:30p.m.
	)	Courtroom B - Pittsburgh, PA
NO RESPONDENTS,	)	
	)	<b>ENTERED BY DEFAULT</b>
RESPONDENT(S)	)	

**ORDER APPROVING EMPLOYMENT OF SPECIAL COUNSEL**

AND NOW, this 18th day of October, 2017, upon consideration of the *Application for Order of Employment of Special Counsel*, it is **ORDERED, ADJUDGED and DECREED** as follows:

1. Edmund L. Wagoner, Esquire and The Law Firm of Goddard & Wagoner, PLLC, 229 West Main Street, Suite 1100, Clarksburg, WV 26508, is hereby appointed, as of the date of the filing of the Motion, as Special Counsel for the Estate/Trustee pursuant to the terms (including compensation terms) described in the Contingent Fee Agreement attached to the above referenced Motion for the limited purpose of acting as attorney in connection with the interest of the Estate/Trustee in prosecuting a claim against Marquis Gardens facility, giving rise to the Debtor's claim for personal injuries as referenced to in the foregoing Motion, **PROVIDED HOWEVER**, no settlement of any claim is to occur without prior Court Order after notice and hearing.

2. Professional persons or entities performing services in the above case are advised that approval of fees for professional services will be based not only on the amount involved and the results accomplished, but other factors as well including; the time and labor reasonably required by the applicant to perform, the novelty and difficulty of the issues presented, the skill requisite to perform the service properly, the preclusion of other employment due to acceptance of this case, the customary fee for similar services, the time limitations imposed by the client or the circumstances encountered while performing the services, the experience, reputation and ability of the professional(s) involved, the undesirability of the case, the nature and length of the professional relationship with the client, and, awards in similar cases.

3. Approval of any motion for appointment of a professional in which certain hourly rates/compensation terms are stated for various professionals is not an agreement by the Court to allow such fees at the requested hourly rates/compensation terms, and is not a preapproval of compensation pursuant to *11 U.S.C. § 328(a)*. Final compensation, awarded only after notice and hearing, may be more or less than the requested hourly rates/compensation terms based on application of the above-mentioned factors in granting approval by Court Order. ***Any retainer paid to Special Counsel is unaffected by this Order and remains property of the Estate until further Order of Court.***

4. Notwithstanding anything to the contrary in the letter of engagement or agreement between Movant and Special Counsel, this Order does not authorize Special Counsel to retain or pay any outside counsel or other professional to assist Special Counsel in this matter unless such is done at no expense to Movant, directly or indirectly. Any other retention of and payment to an outside counsel or other professional is subject to prior approval of the Court.

BY THE COURT:

  
CARLOTA M. BÖHM  
United States Bankruptcy Judge  
dms

FILED  
10/18/17 10:43 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Certificate of Notice Page 3 of 3**  
**United States Bankruptcy Court**  
**Western District of Pennsylvania**

In re:  
 Robert N. Bittinger  
 Melissa A. Bittinger  
 Debtors

Case No. 17-22940-CMB  
 Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dsaw  
 Form ID: pdf900

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Oct 18, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 20, 2017.

db/jdb +Robert N. Bittinger, Melissa A. Bittinger, 196A Oliphant Road, Uniontown, PA 15401-6310

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 20, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 18, 2017 at the address(es) listed below:

Charles O. Zebley, Jr. on behalf of Debtor Robert N. Bittinger COZ@Zeblaw.com, Lori@Zeblaw.com, Janet@Zeblaw.com

Charles O. Zebley, Jr. on behalf of Joint Debtor Melissa A. Bittinger COZ@Zeblaw.com, Lori@Zeblaw.com, Janet@Zeblaw.com

James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE, LLC bkgroup@kmllawgroup.com Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Robert H. Slone, Trustee robertslone223@gmail.com, rslone@pulsenet.com;pa07@ecfcbis.com

Robert H. Slone, Trustee on behalf of Trustee Robert H. Slone, Trustee robertslone223@gmail.com, rslone@pulsenet.com;pa07@ecfcbis.com

TOTAL: 6